

# State of New Hampshire

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## CLASSIFICATION APPEAL Office of Long Term Care Ombudsman

October 5, 1988

On Tuesday, August 23, 1988, the Personnel Appeals Board, Commissioners Brickett and Cushman sitting, heard the classification appeal of three positions in the Office of Long Term Care Ombudsman, Division of Elderly and Adult Services, Department of Health and Human Services. The appellants appeared *pro se*. Edward J. McCann, Classification and Compensation Administrator represented the Division of Personnel. Both the appellants and the Division of Personnel submitted documents for the Appeals Board's review prior to the scheduled hearing. Based upon the information submitted and the testimony received, the Board made the following findings.

In February 1988, the Division of Elderly and Adult Services requested review and reallocation of several positions in the Office of the Long Term Care Ombudsman. That Division had recommended the following position reclassifications:

FROM	TO
Ombudsman, S.G. 23	Administrator II, S.G. 28
Social Worker II, S.G. 17	Program Specialist III, S.G. 22
Exec. Secretary/Steno., S.G. 11	Administrative Sec./Supr., S.G. 13

The Division of Personnel recommended that the Ombudsman be reclassified to Program Specialist IV, salary grade 24, and that the Social Worker II position be reclassified to Health Facilities Administration Surveyor/Consultant, salary grade 18. The Division of Personnel denied any reclassification or upgrading for the position of Executive Secretary/Stenographer. The Division of Elderly and Adult Services filed an appeal of that decision in a letter to the Appeals Board dated May 24, 1988.

### OMBUSMAN

Upon completion of a position review, recommended reclassification of this position from its current title, salary grade 23 to the title Program Specialist IV, salary grade 24. In its appeal, the Division of Elderly and Adult Services argued that this position serves "as administrator of the program [in the Office of Ombudsman], but also personally does complaint investigations." This position supervises an Executive Secretary Stenographer, Social worker, Paralegal and group of Volunteer Ombudsmen." The appellant also argued that "In keeping with the reorganization of the State

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Council on Aging into the Division of Elderly and Adult Services, the Office of Ombudsman has become one of the units within the organizational structure of the Division....As such, the Ombudsman serves as a member of the Division's management team with the administrators of the other units within the Division. The Ombudsman participates in making recommendations for policy and procedure changes at the State and Federal level which affect the quality of care and quality of life for all long term care residents." In oral testimony before the Board, the incumbent contended she has enhanced/expanded managerial responsibility in both the Office of Long Term Care Ombudsman and over-all management of the Division of Elderly and Adult Services.

The Board found that the appellant failed to document or substantiate sufficient changes in this position or increase in over-all responsibility within the Department of Health and Human Services to warrant reclassification to Administrator II. The Board therefore voted to uphold the recommendation of the Division of Personnel, reclassifying this position to Program Specialist IV, salary grade 24.

#### SOCIAL WORKER II

In support of its request to reallocate this position from Social Worker II to Program Specialist III, salary grade 22, the Division of Elderly and Adult Services argued that the position responsibilities require the incumbent to "supervise the volunteer program within the Office of Ombudsman and direct services are provided by the volunteers on a statewide basis." The appellant argued that the Division of Personnel had construed the term "supervision" too narrowly in its review of this position's requirements to over-see the work of ten volunteers responsible for intervention in nursing home settings. The appellant further argued that "While the primary responsibility of the Social worker II is to investigate quality of care complaints, with the new responsibility of the Ombudsman Program to investigate abuse, neglect, and exploitation pursuant to RSA 161-D, the Social Worker II has assumed an increasing proportion of these investigations."

Upon review of this position, the Division of Personnel had recommended reclassification from the current title, salary grade 17 to Health Facilities Administration Surveyor/Consultant, salary grade 18. The Board found that the appellant failed to document or substantiate additions or changes in the position responsibilities sufficient to justify reclassification to Program Specialist III. The Board concurred that the responsibilities outlined exceeded those required of a Social worker II classification. Therefore, the Board voted to uphold the recommendation of the Division of Personnel, approving reclassification of this position to Health Facilities Administration Surveyor/Consultant, salary grade 18.

#### EXECUTIVE SECRETARY/STENOGRAPHER

The Division of Elderly and Adult Services requested that this position be reclassified to Administrative Secretary/Supervisor, salary grade 13. In

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support of that request, the appellant argued an intent "to focus on the Administrative Secretary portion of the function of the incumbent since at this time she has only a minimal supervisory responsibility... The incumbent actually serves a dual role in the Ombudsman Program - intake worker and secretary." Further the appellant contended, "The incumbent is responsible for transcribing and disseminating agendas and meeting minutes of the Ombudsman's twenty-four member advisory committee and respective subcommittees as well as agendas and meeting minutes for volunteer Ombudsman meetings. She schedules all meeting rooms for program staff. The incumbent types and coordinates all necessary materials for any in-service or conference/workshop training done by the program staff, including the biannual volunteer Ombudsman trainings. . . The incumbent schedules appointments for the Ombudsman including interviews for applicants for positions in the program. Routine problems are handled by the incumbent. She receives, opens, and sorts mail and answers routine correspondence on an individual basis. This individual also relieves the Ombudsman of details such as training new staff in office procedures and the use of forms."

The Board found the description of work performed by the appellant to be quite accurately reflected in the classification of Executive Secretary/Stenographer, and could not support reclassification to the title Administrative Secretary/Supervisor. Further, the Board did not find the administrative functions described sufficient to warrant reallocation to salary grade 13. The Board, therefore, voted to deny the appeal.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE  
Executive Secretary

cc: Richard Chevrefils, Director  
Division of Elderly and Adult Services

Virginia A. Vogel  
Director of Personnel