

State of New Hampshire



PERSONNEL APPEALS BOARD
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APPEAL OF DAWN PANZINO

Docket #98-C-2

DEPARTMENT OF HEALTH AND HUMAN SERVICES

February 10, 2000

The New Hampshire Personnel Appeals Board (Bennett, Johnson and Wood) met on Wednesday, March 31, 1999, under the authority of RSA 21-I:57, to hear the appeal of Dawn Panzino, an employee of the Department of Health and Human Services. Ms. Panzino, who was represented at the hearing by SEA Field Representative Kate McGovern, was appealing the Personnel Director's decision to reclassify her position from Case Technician I, salary grade 13, to program Assistant II, salary grade 14. The appellant originally requested reclassification of her position to Supervisor I, salary grade 18, then amended her request for reclassification Case Technician II, salary grade 15. Virginia A. Lamberton, Director of Personnel, appeared on behalf of the State.

The appeal was heard on offers of proof by the representatives of the parties. The record in this matter consists of the pleadings submitted by the parties prior to the hearing, the audio tape recording of the hearing on the merits of the appeal, and documents admitted into evidence as follows:

State's Exhibits

- A. Point Spreads for Case Technician II and Program Assistant II
- B. Organizational chart for Legal Services in the Division of Child Support Services

Appellant's Exhibits

- A. Dawn Panzino's January 9, 1998, letter to Sandra Platt re: position reclassification

- B. Charlotte Guyer's January 9, 1998, memo to Human Resources re: reclassification request, Dawn Panzino
- C. Dawn Panzino's Position Classification Questionnaire with attached supplemental job description, proposed supplemental job description and organizational chart
- D. Virginia Lamberton's April 10, 1998, letter to Sandra L. Platt re: Director's Decision Pursuant to Per 303.04 Position #12297 - Case Technician I
- E. Dawn Panzino's April 16, 1998, letter to Sandra Adams re: Request for Reconsideration of a Reclassification Decision
- F. Sandra Platt's April 21, 1998, letter to Virginia Lamberton re: Request for Reconsideration of April 16, 1998, Reclassification Decision for Position #12297 - Case Technician I
- G. Virginia Lamberton's May 11, 1998, letter to Sandra Platt re: Reconsideration of Director's Decision Pursuant to Per 304.01 Position #12297 - Case Technician I
- H. Case Technician II job specification
- I. Program Assistant II job specification
- J. Program Assistant II supplemental job description approved by Director Lamberton on April 8, 1998

On the date of the hearing, Ms. McGovern offered into evidence an additional seven exhibits for the purpose of demonstrating that between the filing of Ms. Panzino's appeal and the date of the hearing, the appellant had assumed responsibilities for completing performance evaluations and signing leave slips, and that she had completed the State's Certified Public Supervisor training program. Ms. McGovern argued that although certain duties were "lacking" when Director Lamberton reviewed the appellant's position, the appellant had since assumed responsibility for those functions and was entitled to have them considered by the Board in determining the appropriate classification for the appellant's position.

Ms. Lamberton objected to the exhibits, arguing that they were not timely, and that if they were relevant to the duties and responsibilities of the appellant's position, they described events that occurred after the position had been reviewed and classified. Ms. Lamberton argued that the Board's review must be limited to a job's duties and responsibilities at the time of a classification

review, and should only take into consideration the information that was made available to the Division of Personnel at the time of the position review.

Ms. McGovern argued that the exhibits originally submitted by Field Representative Chellis supported reclassification of Ms. Panzino's position to Case Technician II, salary grade 15, and that the additional exhibits were intended to prove that the appellant's current duties and responsibilities warranted reclassification of the position to Supervisor I, salary grade 18.

The Board voted to exclude the late-filed exhibits. Further, the Board found that changes in the position that might have occurred after the date of the Director's decisions on April 10, 1998, and May 11, 1998, were not relevant to the appeal arising out of the Director's decision on April 10, 1998, reclassifying Ms. Panzino's position from Case Technician I, salary grade 13, to Program Assistant II, salary grade 14.

After hearing the parties' arguments and after reviewing the documentary evidence, the Board made the following findings of fact:

1. On January 9, 1998, Ms. Panzino requested that her position as a Case Technician I, salary grade 13, assigned to Central Registry, be reviewed and reclassified to Supervisor I, salary grade 18.
2. After conducting a review of that position, the Director of Personnel issued a decision dated April 10, 1998, in which she found that the position was incorrectly classified as a Case Technician I, salary grade 13 and should be reclassified to a Program Assistant II, salary grade 14.
3. In evaluating a position for classification/allocation, nine job evaluation factors are reviewed: Skill, Knowledge, Impact, Supervision/Management, Working Conditions, Physical Demands, Complexity and Independent Action.
4. The difference between the classification of Program Assistant II and Case Technician II are as follows:

Evaluation Factor	Program Assistant II Level	Case Technician II Level
<i>Skill</i>	3	4
Knowledge	3	3
Impact	3	3
Supervision/Management	3	3
<i>Working Conditions</i>	1	2
<i>Physical Demands</i>	1	2
<i>Communication</i>	4	3
Complexity	3	3
Independent Action	3	3
TOTAL POINTS	265	280
SALARY GRADE	14	15

1. The Evaluation Manual defines "Skill" as "...the combination of preparation and learning through experience and training necessary to perform a specific job function..."
2. Ms. Panzino wrote in her Position Classification Questionnaire, "I am primarily responsible for obtaining information, electronically, by phone and on paper, entering that information into a computer system, generating documents, and moving the documents to other parties to allow clients to receive legal action and money due them. I occasionally must make photocopies and file documents into folders. Occasionally, I am expected to travel off-site to a meeting."
3. When asked to describe some of the decisions she makes in performing her work she indicated that she logs and answers all out-of-state requests to locate an absent Payor. She reviews all new URESA (Uniform Reciprocal Enforcement Support Act) to ensure compliance with federal requirements before they are entered into the computer system.

4. According to the Evaluation Manual, "Skill" level 4 "Requires skill in developing formats and procedures for special applications OR in investigating and reviewing the use of equipment and data for a specialized function."
5. The appellant's current classification is rated at level 3 for "Skill" which, "Requires skill in recommending routine changes in standardized operating procedures OR in retrieving, compiling, and reporting data according to established procedures OR in operating complex machines."
6. The appellant's duties and responsibilities support allocation at level 3 for skill.
7. The Evaluation Manual defines "Working Conditions" as "the specific working environment and physical conditions to which an employee is exposed in performing required job duties and tasks. This factor measures the uncontrollable job elements which affect an employee's mental or physical capacity to complete job assignments in the normal course of work, including occupational hazards such as injury or disease."
8. The appellant's position is currently allocated at level 1 for "Working Conditions," described by the Evaluation Manual as a requirement for "...performing regular job functions under good conditions in a safe working environment." Reallocation to Level 2 would entail "...performing regular job functions in a controlled environment with minimal exposure to disagreeable job elements and little risk of hazard to physical or mental health."
9. In her Position Classification Questionnaire, Ms. Panzino described her working environment as "an office environment, with occasional off-site meetings or trainings," consistent with the description for "Working Conditions" level 1.
10. The Evaluation Manual defines "Physical Demands" as measuring "the level of physical activity required in performing regular job functions under normal operating conditions." The appellant's current classification is rated at level 1.
11. Level 1 "Physical Demands" involves "...sedentary work, including continuous sitting or occasional standing and walking." Reallocation to level 2 would require, "...light work, including continuous walking [more than 75% of total work time] or operating simple equipment for extended periods of time as well as occasional strenuous activities [between 10-25% of total work time] such as reaching or bending."

12. The evidence does not support reallocation of the "Physical Demands" factor, nor would reallocation of this factor alone affect the salary grade assigned to the position.
13. According to the Evaluation Manual, "Communication means the nature and effectiveness of the interpersonal contacts of the position. This factor measures the requirements of the position to articulate and express the goals of the agency."
14. "Communication" level 4 "Requires summarizing data, preparing reports, and making recommendations based on findings which contribute to solving problems and achieving work objectives. This level also requires presenting information for use by administrative-level managers in making decisions."
15. Reclassification to Case Technician II would require a reduction of the "Communication" factor from level 4 to level 3, which "Requires explaining facts, interpreting situations, or advising individuals of alternative or appropriate courses of action. This level also requires interviewing or eliciting information from state employees or members of the general public."
16. The Technical Assistance Manual states, "The Communication factor rates the amount of verbal and written expression needed to represent the goals and objectives of the agency to the general public..."
17. Reviewing files, keying information into a computer, responding to requests for information and forwarding case information or status reports does not rise to the level of "summarizing data, preparing reports and making recommendations based on findings..." or "...presenting information for use by administrative-level managers in making decisions" as described by level 4.
18. On the appellant's Position Classification Questionnaire, Ms. Panzino's supervisor described the major change in the appellant's duties that had precipitated the request for reclassification as follows: "The employee is seeking a review because the Central Registry Supervisor I position has been frozen, and [Ms. Panzino] continues to perform functions which were formerly performed by that supervisor. The employee is performing more complex case analyses, as a result of new interstate laws, and is working with the Office of Child Support Management and the Courts regarding implementation of the new UIFSA and Welfare laws."

She maintains specialized program information, researches policies and regulations and assists in the development of interstate policies and procedures."

19. The description of changes occurring in the appellant's duties should be reflected in the following classification evaluation factors: Supervision/Management, Impact, and Independent Action.
20. The classifications of Case Technician II and Program Assistant II have identical ratings for Supervision/Management, Impact, and Independent Action.

Rulings of Law

- A. RSA 21-I:57 states: "The employee or the department head, or both, affected by the allocation of a position in a classification plan shall have an opportunity to request a review of that allocation in accordance with rules adopted by the director under RSA 541-A, provided such request is made within 15 days of the allocation. If a review is requested by an employee, the director shall contact the employee's department head to determine how the employee's responsibilities and duties relate to the responsibilities and duties of similar positions throughout the state. The employee or department head, or both, shall have the right to appeal the director's decision to the personnel appeals board in accordance with rules adopted by the board under RSA 541-A. If the board determines that an individual is not properly classified in accordance with the classification plan or the director's rules, it shall issue an order requiring the director to make a correction. "

Decision and Order

Having considered the parties' evidence, arguments and offers of proof, the Board found that Ms. Panzino's duties and responsibilities at the time of her position classification review were more accurately described by the class specification for Program Assistant II, salary grade 14 than by the classification of Case Technician II, salary grade 15. Although the appellant offered evidence of increased supervisory responsibility and the need to be familiar with a growing body of State and federal regulations, those responsibilities are consistent with the class specification

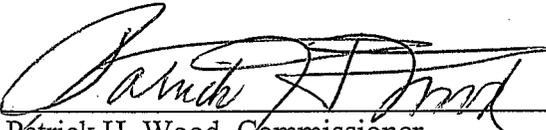
and point allocations for Program Assistant II. The Board found that the Director reviewed the position in accordance with the Rules of the Division of Personnel and the classification plan. Therefore, for the reasons set forth above, the Board voted unanimously to deny Ms. Panzino's appeal.

THE PERSONNEL APPEALS BOARD

Mark J. Bennett, Chairman



Robert J. Johnson, Commissioner



Patrick H. Wood, Commissioner

cc: Virginia A. Lamberton, Director of Personnel, 25 Capitol St., Concord, NH 03301
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